

Exhibit B-1

“Informal, BP-8”

Response to Informal Resolution Form

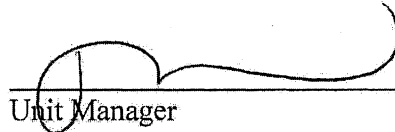
Inmate: **SCHULTE, Joshua**
Register Number: **79471-054**

This is in response to your February 21, 2019 Informal Resolution Form, in which you allege the constant lighting in your cell violates your constitutional rights.

The Facilities Department has been working to switch the lights in the cells in your housing unit to operation via external switch. If your current cell has not been modified, please advise so that it can be addressed.

If you are not satisfied with this response, you may address your grievance through the administrative remedy program.

2/28/19
Date


Unit Manager

NYM 1330.7
ATTACHMENT 1METROPOLITAN CORRECTIONAL CENTER, NEW YORK
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATESINFORMAL RESOLUTION FORM (BP-8)

NOTE TO INMATE: With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP229(13) (old BP-9), you MUST attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor: R. PROO 2/10/19INMATE'S COMMENTS:

1. Complaint: Uncontrollable lights that cannot be turned off cause sleep deprivation and therefore violate the 8th amendment's ban of cruel and unusual punishment. This torture results in psychological, permanent damage. There is no reason inmates should not be able to control lights and turn them off at night. 2-way switches exist to allow COs a master light switch as well.

2. Efforts made by you to informally resolve: On Tuesday, Nov 27th I sent a list of 35 unconstitutional issues that were reviewed by the Warden. I was told the issues would be addressed, but none were.

3. Names of staff you contacted/Date you contacted the staff:

Proo, Warden, 11/27/18

Date returned to Correctional Counselor: _____

Schultz, Joshua 79471054 2/21/19
Inmate's Name Register Number Date

CORRECTIONAL COUNSELOR'S COMMENTS

1. Efforts made to informally resolve and staff contacted: _____

Date informally resolved: _____ Counselor Signature: _____

Date BP-229(13) Issued: 3/24/18Unit Manager: PROO

Exhibit B-2

“MCC, BP-9”

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: Shulte, Joshua A
Reg. No. 79471-054
Administrative Remedy Id.: **974081-F1**

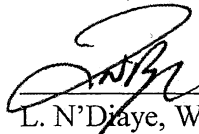
This is in response to your Request for Administrative Remedy dated April 11, 2019, in which you allege that the lighting to the cells has no switch or control.

Every cell on 10 south has a light switch outside the cell that can be turned on or off by unit officer. This ensures that correctional staff can control the lighting on the unit.

Based on the above information, this response is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

4/25/19
Date


L. N'Diaye, Warden

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A 79471054 105 MCC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Disable 24/7 bright lights in cages: Uncontrollable lights that cannot be turned off cause sleep deprivation and therefore violate the 8th amendment's ban of cruel and unusual punishment. This torture results in psychological, permanent damage. There is no reason inmates should not be able to control the lighting in their cages, let alone lighting that the COs cannot turn off either. 7-way Switches exist to allow COs a master Switch; this "technology" ensures COs can turn on lights when they please and therefore, there is no reason that inmates cannot have a slave switch. BP-8 issued 2/19, and response stated this would be fixed - it was not.

3/28/19 [Signature]
DATE SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Exhibit B-3

“Regional, NE”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 3, 2019
ehel

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 974081-R1 REGIONAL APPEAL
DATE RECEIVED : MAY 20, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE
LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
NOT BE ACCEPTED.

REJECT REASON 2: SEE REMARKS.

REJECT REASON 3: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : PAGES 2, 3, AND 4 OF THE BP10 ARE NOT LEGIBLE.

ATTENTION: * NO BALLPOINT PEN *

AS A SAMS INMATE HELD IN
SOLITARY CONFINEMENT, I HAVE
NO ACCESS TO A BALLPOINT PEN
OR PHOTOCOPIER

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From:

Schulter Joshua A

74471054

LOS

MCC

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL Inmate control of cage lights and end to torture lights. MCC responded to my BP-4 filed 3/26/19 on 4/25/19. The response was insufficient and is attached herein. First of all, the primary issue here is the MCC's use of 24/7 torture lighting. Throughout the SAMs cages are lights that CANNOT BE TURNED OFF! There are no control switches to staff. This causes sleep deprivation and other psychological issues and is absolutely cruel and unusual punishment. This lighting has not been disabled nor the issue resolved. Additionally, the normal lights are uncontrollable by SAMs inmates. ALL other pretrial inmates have direct control of their own lights except the inmates housed in the SHU for punishment. The MCC's arbitrary denial of light control to SAMs inmates violates the 5th amendment's due process clause. Since I am on SAMs for national security reasons, there is absolutely no reason why I should not be able to control my own light; nowhere in 28 CFR 501 does it say the BOP must deny me access to my cage's lights. This denial causes issues because I must hang on the door to try to get an officer's attention to toggle the lighting or else, in the common case where I am neglected for hours, the lights cannot be turned on/off. There is a very easy solution. If the MCC maintains that it must have control over my cage's lighting, then simply allow for two switches: A slave switch for me, and a master switch (that can override mine) for the officers. Problem solved.

5/1/19

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

974081R1

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: Shulte, Joshua A
Reg. No. 79471-054
Administrative Remedy Id.: 974081-F1

This is in response to your Request for Administrative Remedy dated April 11, 2019, in which you allege that the lighting to the cells has no switch or control.

Every cell on 10 south has a light switch outside the cell that can be turned on or off by unit officer. This ensures that correctional staff can control the lighting on the unit.

Based on the above information, this response is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

4/25/19
Date


L. N'Diaye, Warden

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: SCHUBERT, JAMES A 74471/54 103 MCC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Disable 24/7 bright lights in cages: Uncontrollable lights that cannot be turned off cause sleep deprivation and therefore violate the 8th amendment's ban of cruel and unusual punishment. This torture results in psychological, permanent damage. There is no reason inmates should not be able to control the lighting in their cages, let alone lighting that the COs cannot turn off either. 2-way switches exist to allow COs a master switch; this "technology" ensures COs can turn on lights when they please and therefore, there is no reason that inmates cannot have a slave switch. BP-6 issued 2/19, and response stated 3/28/19 this would be fixed - it was not.

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

THIRD COPY: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



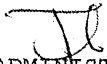
Exhibit B-4

“Central Office”

LCUD 7/30

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 19, 2019


FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-301LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 974081-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : JUNE 19, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION
FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION
NOTICES.



U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Schulze, Joshua A 74471054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

24/7 lights that cannot be turned off: I did not receive a response to my BP-10 filed on 5/6 within 30 days as required by 28 CFR 542.18, and do hereby appeal that denial. Note that previous BP-10's have taken over 20 days to reach me after mailed from regional offices so MCC could still be sitting on the response - though I have not received it. First of all, the primary issue here is the MCC's use of 24/7 torture lighting. Throughout the SAMs cages are lights that CANNOT BE TURNED OFF. There are NO control switches to staff. This causes sleep deprivation and other psychological issues and is absolutely cruel and unusual punishment. This lighting has not been disabled for the issue resolved. Additionally, the normal lights are uncontrollable by SAMs inmates. ALL other pretrial inmates have direct control of their own lights except the inmates housed in the SHU for punishment. The MCC's arbitrary denial of light control to SHU inmates violates the 5th amendment's due process clause. Since I am in SAMs for national security reasons, there is absolutely no reason why I should not be able to control my own lights; nowhere in 28 CFR 501 does it say the BOP must deny me access to my cage's lights. This denial causes issues because I must bang on the door to try to get an officer's attention to toggle the lighting or else in the common case where I am neglected for hours the light cannot be turned off. Easy solution: Slave switches for the slaves and master switches for the masters that can override the slave switches.

6/11/19
 DATE

[Signature]
 SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

JUN 19 2019

 Administrative Remedy Section
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 974081-A1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

